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The situation in the occupied territories of Azerbaijan

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-first year

Letter dated 12 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

In my capacity as a representative of the country coordinator of GUAM (Georgia, Ukraine, the Republic of Azerbaijan and the Republic of Moldova), I have the honour to transmit herewith a statement by the Council of Ministers for Foreign Affairs of the Organization for Democracy and Economic Development-GUAM (ODED-GUAM), adopted by the ODED-GUAM ministerial meeting held in Brussels on 4 December 2006 (see annex I), and a statement by the Permanent Representative of Ukraine to the Organization for Security and Cooperation in Europe (OSCE), Mr. Volodymyr Yel'chenko, on behalf of ODED-GUAM at the fourteenth meeting of the Council of Ministers for Foreign Affairs of OSCE, also held in Brussels on 4 December 2006 (see annex II).

I should be grateful if the present letter and its annexes could be circulated as a document of the General Assembly, under agenda items 17 and 27, and of the Security Council.

(*Signed*) Viktor **Kryzhanivskyi**
Chargé d'affaires a.i.

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Annex I to the letter dated 12 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

Statement by the Council of Ministers for Foreign Affairs of the Organization for Democracy and Economic Development-GUAM

Brussels, 4 December 2006

The GUAM Council of Ministers for Foreign Affairs expresses its serious concern over a so-called "constitutional referendum" scheduled for 10 December 2006 in the Nagorno-Karabakh region of the Republic of Azerbaijan.

The Council emphasizes that holding the so-called "referendum" violates the Constitution of the Republic of Azerbaijan as well as relevant norms and principles of international law, and, thus, shall have no legal effect and its results shall be considered null and void.

The Ministers underline that the so-called "referendum" interferes with an ongoing peace process, is designed to impose a fait accompli situation in the region and misleads the international community.

The GUAM Council stresses that such an act runs contrary to the universally recognized standards and values of democracy, rule of law and human rights. Any constitutional document envisaging self-rule for the population of the Nagorno-Karabakh region can be elaborated only through a legal, democratic and peaceful process with the full, equal and direct participation of the entire population of the region consisting of the Armenian and Azerbaijani communities.

The GUAM Council of Ministers for Foreign Affairs calls on OSCE participating States and other international organizations to condemn such an illegal act and to support the ongoing efforts aimed at finding a peaceful resolution of the conflict on the basis of the territorial integrity of Azerbaijan within its internationally recognized borders.

Annex II to the letter dated 12 December 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

Statement by the head of the delegation of Ukraine, Permanent Representative of Ukraine to the OSCE, Volodymyr Yel'chenko, at the fourteenth meeting of the OSCE Ministerial Council on behalf of the member States of the Organization for Democracy and Economic Development-GUAM

Brussels, 4 December 2006

On behalf of the members of the Organization for Democracy and Economic Development-GUAM, I would like to express our gratitude to our Belgian hosts for their hospitality and excellent organization of the meeting. We are particularly pleased that these days Brussels has become a capital for yet another organization, which actively promotes security and cooperation in Europe and far beyond. In this connection, let me express our high appreciation to the Belgian chairmanship for its essential activities during the whole year.

Naturally, we also wish to welcome the Minister for Foreign Affairs of Spain. The GUAM members States wish the incoming Spanish chairmanship every success and vigour in carrying out this demanding task.

The year 2006 has been a landmark year for GUAM. On 23 May, at the GUAM Summit in Kyiv, which was attended by a number of Heads of State and Government, the OSCE Secretary-General and top-ranking officials from OSCE participating States and the Presidents of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine established the Organization for Democracy and Economic Development-GUAM as an international regional organization.

The GUAM Heads of State reaffirmed that the priorities of the Organization are the strengthening of democracy and the rule of law, respect for fundamental human rights and freedoms, economic development, ensuring security and stability, protection of the environment, combating international terrorism, aggressive separatism, extremism and transnational organized crime, deepening of the European integration and achievement of sustainable development and well-being of their peoples. These priorities of GUAM fully correspond to the main principles and purposes of OSCE.

GUAM Member States attach great significance to further enhancing the OSCE role as an inclusive and comprehensive security Organization, a forum for political dialogue, a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation and an important cooperative mechanism for promoting the values of democracy, rule of law and human rights throughout the OSCE area and beyond.

It is obvious that OSCE and GUAM efforts in the field of security have a common direction. The settlement of "protracted conflicts" in the OSCE area, in particular in the Transdniestrian region of Moldova, the South Ossetia/Tskhinvali region and Abkhazia of Georgia and the Nagorno-Karabakh region of Azerbaijan,

remains at the top of the comprehensive security agenda of OSCE and continues to be one of the priority objectives of cooperation within GUAM.

From the very beginning of their declared participation in the Helsinki process, the GUAM member States tried to play an essential role in OSCE activities on conflict prevention and resolution. Ukraine, in particular, exercises its functions of mediator and settlement guarantor in the Transdniestrian region of the Republic of Moldova and is committed to continuing these activities in the future. Our countries believe that the proposals of the President of Ukraine, Victor Yushchenko, "Settlement through democracy", constitute a solid basis for further work. I would like to use this opportunity to reaffirm our support for a plan for the peaceful settlement of the conflict in the South Ossetia/Tskhinvali region by the President of Georgia, Mikheil Saakashvili, as well as for the ongoing activities of the OSCE Minsk Group in the peace process in the Nagorno-Karabakh region of Azerbaijan.

We recognize that unresolved conflicts on the territory of the Republic of Azerbaijan, Georgia and the Republic of Moldova threaten the sovereignty, territorial integrity and political independence of those States, impede the implementation of full-scale democratic reforms and the achievement of sustainable development, jeopardize regional security, negatively impact pan-European integration processes and challenge the entire international community.

We strongly believe that the cooperative security approach of OSCE implies that there is no alternative to the peaceful resolution of these conflicts, which should be based on generally recognized norms and principles of international law, sovereignty, territorial integrity and inviolability of the internationally recognized borders of States, as well as on the relevant resolutions of the United Nations Security Council and OSCE decisions.

The GUAM member States underline the importance of the demilitarization of conflict zones and establishing security in these zones with the assistance of the multinational peacekeeping forces to be deployed there under United Nations or OSCE mandates for creating conditions for the return of populations and for the peaceful coexistence of ethnic communities.

We also welcome this year efforts and new approaches of the Belgian chairmanship aimed at confidence-building in the above-mentioned conflict zones through socio-economic rehabilitation, including by facilitating donors' contributions, democratic development and expedient response to risks and threats.

The GUAM States are following very closely the developments around the resolution of the Kosovo issue. We are convinced that a just and lasting settlement there can be achieved only if the final status agreement is acceptable to the parties involved and is reached on the basis of consensus. In that sense, the decision to continue the talks is a positive step.

The recent so-called "independence referendums" in the Transdniestrian region of the Republic of Moldova and in the South Ossetia/Tskhinvali region of Georgia, as well as the intention to hold a so-called "constitutional referendum" in the Nagorno-Karabakh region of Azerbaijan, in our view, pose a major threat and challenge to the stability and continuity of the process of settlement. We therefore welcome the reaction of the OSCE chairmanship, as well as the European Union, the Secretary-General of the Council of Europe and the statements of the

overwhelming majority of OSCE States, which decidedly refused to recognize the results of those referendums in accordance with common OSCE principles.

At the same time, we say to the populations of the separatist regions that European institutions and their member States are ready to do their utmost to speed up settlement processes, while providing substantial economic assistance and legal assurances to people and institutions to guarantee human rights, rule of law, market economy, ethnic language and religious freedom within the reunited State.

Participating States of the Organization for Democracy and Economic Development-GUAM believe that the energy security issues which were brought to the forefront at the beginning of this year are inseparable from regional security and the national security of each participating State. During 2006, this concept has driven the efforts of the OSCE participating States towards a more active implementation of the provisions of 2003 OSCE Maastricht Strategy Document related to energy security. Through a number of concrete steps, we have reaffirmed that OSCE can respond to emerging challenges and add value to concerted efforts of the international community in this field. GUAM member States therefore support the continued involvement of OSCE in the interregional energy dialogue and cooperation.

We believe that the Organization for Democracy and Economic Development-GUAM and OSCE will further develop fruitful cooperation in promoting security, stability and prosperity in wider Europe.